

abundantly capable of making the selection for themselves.

Is it not a notorious fact that a man can go into any judicial district in the State of Maryland, into any county of the State of Maryland, and inquire of the most ignorant man he can find there, who is their best lawyer, and he will immediately be told. In our own county the little boys, the children in the streets, can point out the best lawyer in the county. So that the parties who are to make the selection in our county are better qualified to do so than the governor or the legislature, of whom not five men, three men, and perhaps not one man out of the county will know anything about the party to be appointed. The governor and the legislature must rely upon information obtained from others, from the delegates or senator from the county, or they must rely upon personal representations made to them as to the fitness of the party who asks for the office.

I am one of those who are willing to trust the honesty of the people in the selection of their officers at all times. There is just as much corruption, just as much wire-pulling, just as much personal preference in the selection of judicial officers by the governor and the legislature, as there is among the people; and more so. They are appointed through the representations of personal friends; and there is just as much liability to get incompetent men as there is by allowing the selection to be made by the people. After all, these things are to be judged by their results. The elective feature has been adopted, I believe, in most of the States; and I have yet to learn that the bench in the States is now more corrupt or less competent than it was under the appointive system.

Therefore I am in favor of the election of the judges by the people, not only in the circuits, but in the court of appeals also. It has been argued that the man in a distant county of the State has no interest in the selection of a judge for the court of appeals.—He is as much an integral portion of the State of Maryland and of the population of Maryland, living in the county of Allegany, as if he lived in the heart of Baltimore city; and he has just as much right, and perhaps just as much interest to the extent of his finances, in the selection of a judge of the court of appeals as the man who lives in the heart of Baltimore city. The man whose jurisdiction extends all over the State, over every part of it, is as much the officer of the individual who lives on the top of the Alleghenies, as of the man who lives on the shores of the bay; and the one citizen is just as much interested in the selection of that officer as the other; and it is just as right and proper that he should vote for him. Hence the propriety of electing judges of the court of appeals by general ticket. This system of selecting judges of the court of appeals by dis-

tricts is not proper, because every man in every portion of the State has an equal interest in the selection of the judges of the court of appeals, because they preside over his cases and determine them. The judge of the court of appeals does not decide the cases that arise particularly in the district in which he is chosen, but he sits in judgment upon cases that come to him from districts that have no voice in his selection. There is injustice in that; and as a State officer he ought to be elected by a State ticket.

A State officer is the servant of the entire people of the State, and the entire people of the State have an equal interest in his selection. So I am really on principle inclined to favor the election, both of judges of the court of appeals, and of judges of the district courts. I believe it would be most hazardous to attempt to take away this right of selection from the people.

Gentleman in this convention have been speaking much about the apprehension that they might do something to jeopardize the adoption of this constitution. In my humble judgment you cannot more effectually jeopardize the adoption of this constitution than by attempting to take away a right which the people know that they possess. The people are jealous of being deprived of power they once possessed. You would a thousand times better never have given it to them at all; there would then not be so much difficulty in withholding it. But having possessed it, having exercised without any dissatisfaction to themselves or any detriment to justice throughout the State, they will be very loth to give it up. If gentleman are sincere in their disposition to insert nothing in this constitution that may jeopardize its passage, I think they would better be very careful about attempting to take away from the people this privilege.

There are a few of the lower officers of the State, such as constables, road supervisors, and perhaps magistrates, whom there may be some ground for appointment; at least the constables and road supervisors. But as to the higher officers, the judiciary, I am not inclined to touch them, or to change the principle concerning them which now exists in our constitution. The people have not suffered. The complaint in our county is not about the circuit judge, or not about the court of appeals particularly, except that they think they ought to have a chance to assist in the election of officers who preside over their cases if they are elected at all; but it is with regard to these little petty offices where they have suffered. But there is no complaint; there is no wish or desire, I believe, among the people to have a change in regard to the mode of selecting circuit judges or judges of the orphan's court. There may be some difference of opinion with regard to these lower offices; and I am not so very particular about them, whether you elect the magistrate, or